

DETAILED ACTION

Claim Rejections – 35 USC § 103

The Examiner stated that claims 1, 97-100, 103-105, and 109-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al. (2005/0080850) and Marshak et al. (2003/0093597).

The Examiner stated that claims 21, 95-96, and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al. and Rooney (6,519,660).

The Examiner stated that claims 2, 3, 5-6, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al. and Marshak et al. as applied to claim 1 above, and further in view of Gillett, Jr. et al. (6,295,585) (referred to hereinafter as Gillett).

The Examiner stated that claims 7-9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al. and Marshak et al. as applied to claim 1 above, and further in view of Wipfel et al. (6,151,688) (referred to hereinafter as Wipfel).

The Examiner stated that claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al., Marshak et al., and Gillett as applied to claims 1 and 2 above, and further in view of Bhola et al. (6,321,252).

The Examiner stated that claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al. and Marshak et al. as applied to claim 1 above, and further in view of Kremien (20010034752).

The Examiner stated that claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al., Marshak et al., Wipfel, and Kremien (20010034752) as applied to claims 1, 9, and 17 above, and further in view of Shaw et al. (6,104,392).

The Examiner stated that claim 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al. and Marshak et al. as applied to claim 1 above, and further in view of Vange et al. (2002/0056006).

The Examiner stated that claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al. and Marshak et al. as applied to claims 1 and 93 above, and further in view of Zhang et al. (2005/0015471).

The Examiner stated that claim 106 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al. and Rooney as applied to claims 21 and 103-105 above, and further in view of Crichton et al. (2002/0031126).

The Examiner state that claim 107 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al., Rooney, and Crichton et al. as applied to claims 21 and 103-106 above, and further in view of Bhola et al.

The Examiner stated that claims 22, 23, 25-41, 44-56, 101, 102, and 108 have similar limitations as to claims 1-3, 5-21, 93-100, 103-107, and 109-112 above; therefore they are being rejected under the same rationale.

Applicant maintains that the cited art do not teach or suggest the prior limitations to the claims for at least the reasons previously submitted. However, purely in the interest of expediting the prosecution of the instant invention, Applicant has amended the independent claims to substantially include the following limitations: a plurality of synchronization mechanisms coupled with the source data buffer, each of the plurality of synchronization mechanisms corresponding to one of the performance clusters, wherein said synchronization mechanism is coupled with the source data buffer thereby synchronizing for each performance cluster the data sent to the destination devices associated with communication connections assigned to said performance cluster wherein a destination device that does not respond within a timeout threshold is removed from its performance cluster but when the removed destination device responds to the timeout threshold it receives full-buffer updates until such point as a recent average latency performance of the responding destination device is at a level that merits insertion back into one of the performance clusters. Support for such a limitation can be found at least in paragraph 33 of the instant invention. Applicant does not believe that the cited art teach or suggest such a limitation. As such, Applicant believes the claims are in condition for allowance and respectfully request they be passed to allowance.

CONCLUSION

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Respectfully submitted,

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Date: February 28, 2008

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